



BellSouth Telecommunications, Inc.
601 W. Chestnut Street
Room 407
Louisville, KY 40203

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Dorothy J. Chambers
General Counsel/Kentucky

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January 6, 2006

RECEIVED

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PUBLIC SERVICE
COMMISSION

Ms. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, KY 40602

Re: BellSouth Telecommunications, Inc.'s Notice of Intent to Disconnect
SouthEast Telephone, Inc. for Non-Payment
PSC 2005-00519

Dear Ms. O'Donnell:

Enclosed for filing in the above-captioned case is the original and ten (10) copies of BellSouth Telecommunications, Inc.'s Reply to SouthEast Telephone's Two Oppositions to BellSouth's Motion to Shorten the Time for Briefing.

Very truly yours,



Dorothy J. Chambers

Enclosures

cc: Parties of Record

616449

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS)
INC.'S NOTICE OF INTENT TO DISCONNECT) CASE NO. 2005-00519
SOUTHEAST TELEPHONE, INC. FOR)
NONPAYMENT)

BELLSOUTH TELECOMMUNICATIONS, INC.'S REPLY TO
SOUTHEAST TELEPHONE'S TWO OPPOSITIONS TO
BELLSOUTH'S MOTION TO SHORTEN THE TIME FOR BRIEFING

BellSouth Telecommunications, Inc., ("BellSouth"), by counsel, respectfully replies to the pleadings identified as "Oppositions" and filed on behalf of SouthEast Telephone, Inc. ("SouthEast").

On December 21, 2005, BellSouth filed a Motion to Shorten the Time for Briefing ("Motion to Shorten") in this matter. BellSouth's Motion to Shorten requested that BellSouth's time to brief and to file its answer be reduced. BellSouth's motion requested that SouthEast continue to have ten days for reply as had been granted by the Commission's December 16, 2005 Order, but BellSouth asked that the time for SouthEast's reply start to run from the date of BellSouth's filing of its brief and answer.

On December 21, 2005, SouthEast's attorneys, both David Sieradzki (Washington, D.C. counsel), and Jonathon Amlung (local counsel), filed separate "Oppositions" to BellSouth's Motion to Shorten. Both oppositions alleged that the undersigned counsel for BellSouth had "outrageously mischaracterized" her telephone conversation with SouthEast's counsel. As stated in the attached Affidavit, the telephone conversation in question was placed by the undersigned counsel to David Sieradzki at his Washington, D.C. office. To the best of the undersigned

counsel's knowledge, Mr. Sieradzki and Ms. Chambers were the only parties to that conversation. Further, the undersigned counsel stands by her statements reported from that telephone conversation and provides a supporting affidavit. Affidavit attached.

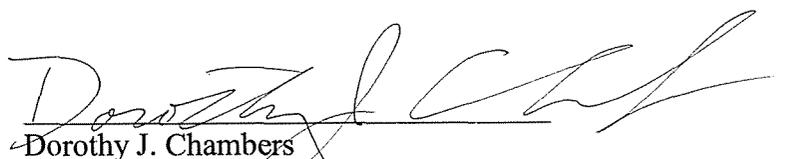
As stated in BellSouth's Motion to Shorten, BellSouth's counsel sought agreement from counsel for SouthEast prior to filing the motion to alter the procedural schedule. This agreement was sought in the hope of avoiding involvement of the Commission in a procedural matter if agreement between the parties could be reached. BellSouth's counsel accurately reported on the substance of that conversation, including the fact the only reason given by SouthEast's Washington, D.C. counsel for refusing to agree to the proposed revision in schedule was the disadvantage to SouthEast for the reasons stated in BellSouth's December 21, 2005 motion. BellSouth's motion made no slur or attack upon SouthEast or upon its counsel. Furthermore, it is not a baseless statement but rather is a factual statement that this dispute concerns substantial monies which SouthEast has refused to pay and which SouthEast continues to hold during the pendency of this proceeding.

There was nothing unprofessional or unfair in BellSouth's counsel repeating in the Motion to Shorten that SouthEast's D.C. counsel candidly had acknowledged in their telephone conversation that SouthEast would not agree to the shortened timeframe because it would disadvantage SouthEast, which is able to hold the sums in question while the dispute is pending. Significantly, while SouthEast's two Opposition pleadings both state they will "not dignify BellSouth's Motion by responding in kind," neither of the two Oppositions provides any other reason for SouthEast's refusal to agree to the requested procedural revision of the schedule. As noted above, BellSouth requested SouthEast to agree to BellSouth's shortening of BellSouth's time, and BellSouth did not ever propose shortening SouthEast's 10 days for its reply. Were

BellSouth's motion granted, the only impact to SouthEast was that its 10 days for reply would begin from the newly established date for BellSouth's filing.

BellSouth respectfully continues to urge the Commission to shorten the time for briefing. BellSouth is prepared to file its answer and brief upon one business day's notice. As BellSouth has noted, continued delay in this matter disadvantages BellSouth during the pendency of this proceeding. SouthEast has not paid in full for the services it has ordered at resale rates. At present, the difference between resale and UNE-P rates for services SouthEast has ordered is over seven figures and the amount owed continues to grow substantially as SouthEast continues to order resale services and pay only the UNE-P rate while the Commission considers this matter. BellSouth is willing to provide courtesy copies of its brief and answer by electronic mail to both local and Washington, D.C. counsel for SouthEast for their convenience in filing a Reply. BellSouth respectfully urges that this matter be briefed to the Commission on as expeditious a timeframe as possible.

Respectfully submitted,



Dorothy J. Chambers
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Louisville, KY 40232
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Robert A. Culpepper
Suite 4300, BellSouth Center
675 W. Peachtree St., N.E.
Atlanta, GA 30375
Tel. No. (404) 335-0841

COUNSEL FOR BELL SOUTH
TELECOMMUNICATIONS, INC.

CERTIFICATE OF SERVICE – PSC 2005-00519

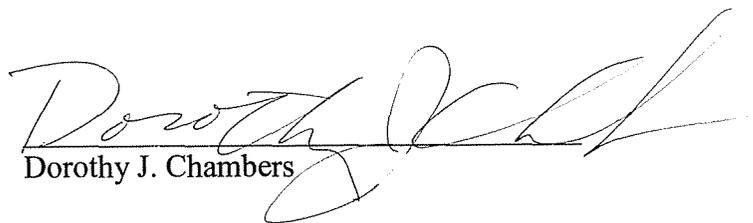
It is hereby certified that a true and correct copy of the foregoing was served on the following individuals by mailing a copy thereof, this 6th day of January, 2006.

Darrell Maynard
SouthEast Telephone, Inc.
106 Power Drive
P. O. Box 1001
Pikeville, KY 41502-1001

Hon. Jonathon N. Amlung
AMLUNG Law Offices
616 S. 5th Street
Louisville, KY 40202

Bethany Bowersock
SouthEast Telephone, Inc.
106 Power Drive
P. O. Box 1001
Pikeville, KY 41502-1001

Hon. David L. Sieradzki
Hogan & Hartson, L.L.P.
555 Thirteenth Street, N.W.
Washington, DC 20004-1109


Dorothy J. Chambers

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

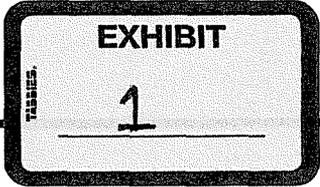
In the Matter of:

BELLSOUTH TELECOMMUNICATIONS)
INC.'S NOTICE OF INTENT TO DISCONNECT) CASE NO. 2005-00519
SOUTHEAST TELEPHONE, INC. FOR)
NONPAYMENT)

AFFIDAVIT OF DOROTHY J. CHAMBERS

Comes the affiant, Dorothy J. Chambers, and after being duly sworn, states as follows:

1. I am a duly licensed attorney, admitted to practice before the highest Court of the Commonwealth of Kentucky in 1980 and have been in good standing since that time.
2. On December 19, 2005, I placed a telephone call to David Sieradzki at his Washington, D.C. office telephone number. Affiant accurately detailed the telephone conversation between herself and Mr. Sieradzki in the December 20, 2005 Motion to Shorten Briefing Schedule ("Motion to Shorten") she filed on behalf of BellSouth. To the best of affiant's knowledge, the only parties to the December 19, 2005 telephone call were affiant and Mr. Sieradzki.
3. Affiant signed and filed the Motion to Shorten with the Kentucky Public Service Commission. In addition to serving the motion by first-class mail, postage prepaid, affiant also



Chambers, Dorothy

From: Fleischer, Theresa on behalf of Chambers, Dorothy
Sent: Tuesday, December 20, 2005 5:11 PM
To: 'dlsieradzki@hhlaw.com'
Cc: Chambers, Dorothy
Subject: KPSC 2005-00519 and 2005-00533



2005-00519
2005-00533.pdf

This is being overnighted to the Commission. I am willing to withdraw if your client is willing to agree to it.

Thanks,
Dorothy J. Chambers
BellSouth Telecommunications, Inc.
General Counsel-Kentucky
601 W. Chestnut Street, Room 407
Louisville, KY 40203
Tel. (502) 582-8219
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General Counsel/Kentucky

502 582 8219
Fax 502 582 1573

December 20, 2005

Ms. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, KY 40602

Re: BellSouth Telecommunications, Inc.'s Notice of Intent to Disconnect
SouthEast Telephone, Inc. for Non-Payment
PSC 2005-00519

SouthEast Telephone, Inc., Complainant v. BellSouth
Telecommunications, Inc., Defendant
PSC 2005-00533

Dear Ms. O'Donnell:

Enclosed for filing in the above-captioned cases is the original and ten (10) copies of BellSouth Telecommunications, Inc.'s Motion to Shorten the Time for Briefing.

Very truly yours,

A handwritten signature in cursive script that reads "Dorothy J. Chambers".

Dorothy J. Chambers

Enclosure

cc: Parties of Record

614771

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.'S)	
NOTICE OF INTENT TO DISCONNECT)	CASE NO.
SOUTHEAST TELEPHONE, INC. FOR NON-)	2005-00519
PAYMENT)	
)	
AND)	
)	
SOUTHEAST TELEPHONE, INC.)	
)	
COMPLAINANT)	CASE NO.
)	2005-00533
VS.)	
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
)	
DEFENDANT)	

BELLSOUTH TELECOMMUNICATIONS, INC.'S
MOTION TO SHORTEN THE TIME FOR BRIEFING

BellSouth Telecommunications, Inc. ("BellSouth"), by counsel, respectfully requests that the Commission shorten the time for briefing so that this matter can be considered by the Commission on a more expeditious manner.

The Commission's Order of December 16, 2005, requires that BellSouth continue to provision all functions and services to SouthEast Telephone, Inc. ("SouthEast") during the pendency of this proceeding even though SouthEast has failed to pay over \$1 million in charges owed for resold services SouthEast has ordered. BellSouth believes that the briefing of these legal issues should be accomplished as promptly as possible. This matter arose as a result of SouthEast paying only the unbundled network

element platform (UNE-P) rate for new orders even though SouthEast has ordered resold services. The material facts are undisputed. BellSouth has provisioned resold services in accordance with the interconnection agreement and BellSouth has billed SouthEast for those resold services at the rates set forth in the interconnection agreement. However, SouthEast is not paying for the services it has ordered at resold rates, but instead is paying at UNE-P rates, which it no longer is able to order for new services. As noted, at present, the difference between the resale and UNE-P rates for the services SouthEast has ordered is over one million dollars. This million dollar figure grows substantially as SouthEast continues to order resold services and pay only the UNE-P rate while this matter is pending.

The Commission's December 16, 2005, Order set BellSouth's answer and brief as due 30 days from the date of that Order and SouthEast's reply brief as due 40 days from the day of the Order. BellSouth respectfully moves the Commission to shorten BellSouth's time for filing its answer and brief to December 30, 2005, and to require that SouthEast's brief be filed ten days thereafter. As noted, BellSouth's request is for **BellSouth** to shorten its briefing time and answer time, which also requires BellSouth to prepare and file its pleadings over the upcoming holiday period. The undersigned counsel has contacted David Sieradzki, counsel for SouthEast and requested SouthEast's concurrence in this proposed revised briefing schedule. BellSouth advised SouthEast that the proposal still allows SouthEast the full ten days following BellSouth's filing of the answer and brief. Nevertheless, counsel for SouthEast refused to agree to this proposed briefing schedule. Mr. Sieradzki stated that he had no known conflict that would prevent him from filing the reply brief within this proposed schedule; Mr. Sieradzki

said his reason for refusing to agree to a shorter briefing time is that it is disadvantageous to SouthEast because SouthEast currently is keeping the disputed money while this matter is pending.

BellSouth believes that SouthEast should have been required to pay its invoices in full while this matter is pending. Moreover, requiring BellSouth to provide resold services at UNE-P rates in essence results in BellSouth being required to provide UNE-P. Because of the apparent conflict between the Commission's December 16, 2005, Order and Judge Hood's April 22, 2005, Order in *BellSouth Telecommunications, Inc., v. Cinergy Communications Co.*, No. 3:05-CV16-JMH (E.D.Ky.), as well as because of the significant and increasing unpaid amount owed by SouthEast to BellSouth, BellSouth respectfully requests, at a minimum, the briefing schedule be amended so that this matter is submitted to the Commission for decision as quickly as possible.

Respectfully submitted,



Dorothy J. Chambers
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P. O. Box 32410
Louisville, KY 40232

Robert A. Culpepper
Suite 4300, BellSouth Center
675 W. Peachtree Street, N.E.
Atlanta, GA 30309

COUNSEL FOR BELL SOUTH
TELECOMMUNICATIONS, INC.

CERTIFICATE OF SERVICE – PSC 2005-00519 AND 2005-00533

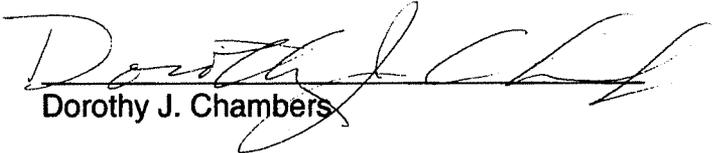
It is hereby certified that a true and correct copy of the foregoing was served on the following individuals by mailing a copy thereof, this 20th day of December 2005.

Darrell Maynard
SouthEast Telephone, Inc.
106 Power Drive
P. O. Box 1001
Pikeville, KY 41502-1001

Hon. Jonathon N. Amlung
AMLUNG Law Offices
616 S. 5th Street
Louisville, KY 40202

Bethany Bowersock
SouthEast Telephone, Inc.
106 Power Drive
P. O. Box 1001
Pikeville, KY 41502-1001

Hon. David L. Sieradzki
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555 Thirteenth Street, N.W.
Washington, DC 20004-1109


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